REMARKS/ARGUMENTS

Claims 1 to 6, 9 and 10 are presently pending in this patent application. Claims 7 and 8 have been cancelled, without prejudice. Applicants reserve the right to pursue subject matter that remains after the prosecution of the present application in a future continuing patent application, for example, a division.

Discussion of the Restriction Requirement

The Action requires applicants to select one of the following three groups of allegedly patentably distinct inventions for examination.

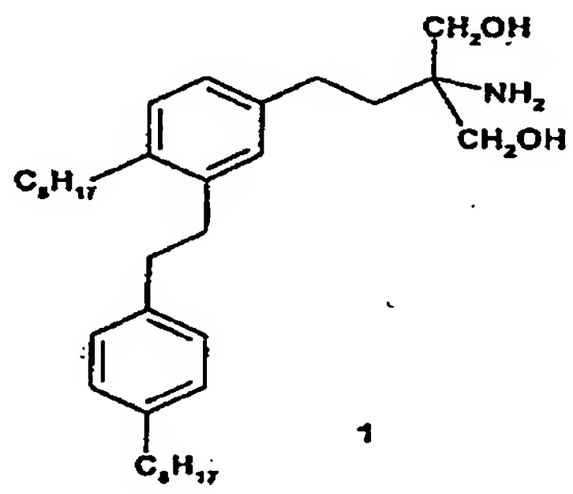
I. Claims 1, 2, 4 to 6 and 9, drawn to compounds of formula I, II, III and IV;

II. Claim 3, drawn to a process for preparing compounds of formula I; and

III. Claim 10, drawn to a method of treating or preventing organ or tissue transplant rejection, or an autoimmune disease or inflammatory condition comprising the administration of a compound of formula I.

Applicants elect provisionally the claims of Group I. Because the elected Group I claims are directed to a product, the non-elected Group II claim is directed to a process of preparing such a product and the non-elected Group III claim is directed to a process of using such a product, applicants request that the claims of non-elected Groups II and III be rejoined if the claims of elected Group I are allowed.

The Action includes also a request that applicants elect a single disclosed species of the compounds of formula I, and the presence or absence of a second drug substance. In this regard, applicants elect as the species the compound 2-amino-2-(2-{4-octyl-3-[2-(4-octyl-phenyl)-ethyl]-phenyl}-ethyl)-propane-1,3-diol that is described in Example 1 at page 4 of the specification and the structure of which is set forth below.



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Applicants further elect the absence of a second drug substance.

Claims 1, 2 and 6 are generic to the elected species. Applicants acknowledge that upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependant form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. If there are any issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any fees required to Deposit Account No. **19-0134** in the name of Novartis.

Respectfully submitted,

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Date: 15 October 2008